

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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4 UNITED STATES OF AMERICA,  
5 Plaintiff,  
6 v.  
7 TONY McLEOD,  
8 Aka "Tony",  
9 Defendant.


Case No.:  
COMPLAINT FOR VIOLATION OF  
Title 18, U.S.C., Sec. 2422 (b) –  
Enticement of a Minor

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11 The undersigned complainant being duly sworn states:

12 Count 1

13 On or about and between May 24, 2013 and June 11, 2013, within the  
14 Southern District of California and elsewhere, the defendant, TONY McLEOD,  
15 also known as "Tony" using any facility and means of interstate and foreign  
16 commerce, including the mail, telephone and by computer, did knowingly  
17 persuade, induce, entice, and coerce, an individual under the age of 18 years, to  
18 wit: minor victim #1 (age 14) to engage in unlawful sexual activity for which a  
19 person can be charged with a criminal offense, to wit: California Penal Code §  
20 288.2(b); in violation of Title 18, United States Code, Section 2422(b).

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22 The complainant states that this complaint is based on the attached  
23 Statement of Facts incorporated herein by reference.

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26 Matthew Perkins  
Special Agent  
Federal Bureau of Investigation

27 Sworn to before me and subscribed in my presence, this 17<sup>th</sup> day of June 2013.

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29 The Honorable William McCurine, Jr.  
U.S. MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the San Diego, California, office. I am assigned to the North County Resident Agency, where among my duties I currently am assigned to investigate Violent Crimes, including child exploitation investigations. The information contained in this affidavit is based upon my personal knowledge and on the information I have learned from reviewing official reports and speaking with other local and federal law enforcement officers.

On June 10, 2013, the Escondido Police Department responded to a report of a missing child, later identified as minor victim#1 ("MV1") (age 14). According to the report, MV#1 was at school earlier in the day but did not go to his last two classes.

MV#1's phone was reviewed. The phone is a Black Verizon Blackberry Curve Cell Phone, Serial Number: 33052E3D with the statement, "Made in Mexico." The available communications for review on the phone started in late May 2013, approximately May 24, 2013, and end on or about May 27, 2013. Text messages show that MV#1 had been texting with a "Tony" at a phone number with an "813" area code.

Between May 24 and May 26, 2013, "Tony" repeatedly texts MV#1. At times, Tony texts MV#1 that he "loves" him. On May 26, 2013, Tony writes to MV#1 at one point, "I don't like you being there" and that he wants to get MV#1 "out of there soon".

At multiple points, Tony sends MV#1 several photographs of a hand masturbating a penis. Tony texts to MV#1, "It's just I've made you vidos but u won't". Tony later asks MV#1 if Tony can send MV#1 a "stroking" video "to help" and then sends MV#1 a 10-15 second video of a hand masturbating an erect penis.

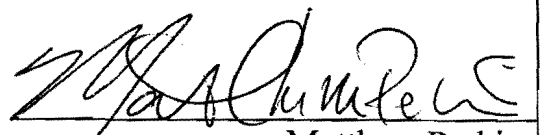
At one point, MV#1 prods Tony for his age and Tony tells him that he is "35".

On May 27, 2013, Tony sends MV#1 a photograph of himself, naked, in his bathroom. Tony then sends MV#1, the following text:

1 The California state statute basically says that a person 14 years of age or  
2 older is competent enough to make decisions of where they're going t[o] live  
3 including emancipation and its guidelines I sent you are at the bottom of the  
4 link. It also indicates other options available to 14-year-old minors and  
5 older too.

6 According to the service provider, the subscriber of the 813-number  
7 belonged to a Tony McLeod in Tampa, Florida and that McLeod had changed his  
8 number on May 27, 2013. Based on the new number information, the Escondido  
9 Police Department tracked down McLeod's phone in the vicinity of Los Angeles  
10 International Airport ("LAX") and learned that McLeod along with a "Justin  
11 McLeod" with the same date of birth as the MV#1 was on a flight from LAX to  
12 Tampa, Florida.

13 In the early morning hours of June 11, 2013, law enforcement officers  
14 located McLeod and MV#1 at Tampa International airport and arrested McLeod  
15 without incident.

16   
17 Matthew Perkins  
18 Special Agent  
19 Federal Bureau of Investigation  
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